

Remarks

Applicant appreciates the Examiner's indication that claims 1-7, 17 and 19-21 would be allowable if rewritten or amended to overcome the § 112(2) rejections. As discussed below, Applicant submits that the § 112(2) rejections are either improper or the claims have been amended to render the rejections moot. As such, Applicant submits that claims 1-9, 13, 15, 17 and 20-21 are in condition for allowance.

The non-final Office Action dated December 9, 2008 listed the following rejections and objections: claims 1-4, 6-9, 13, 15 and 20 stand rejected under 35 U.S.C. § 112(2); claims 1 and 3 are objected to due to informalities; and claims 5, 17, 19 and 21 are objected to as being dependent upon a rejected base claim. In the discussions set forth below, Applicant does not acquiesce to any rejection or averment in this Office Action unless Applicant expressly indicates otherwise.

Applicant respectfully traverses the § 112(2) rejections of claims 1-4, 6-7, 15 and 20 because these claims are definite. Applicant submits that, at best, these claims are objectionable because explicit antecedent basis is not required. *See, e.g.,* M.P.E.P. § 2173.05(e). Regarding claims 1-3, Applicant submits that antecedent basis for the limitation "the number of vectors" can be found in line 6 of claim 1 which recites "a number of said two or more vectors." Regarding claims 2, 4 and 6, Applicant submits that antecedent basis for the limitation "the merged vector" can be found in line 13 of claim 1 which recites "a single merged vector." Regarding claims 6 and 7, Applicant submits that the skilled artisan would recognize that output data necessarily results from "applying said reconstructed test vector data to an input of said logic product." As such, explicit antecedent basis for the limitations "the resultant output data" and "said output data" is unnecessary. In an effort to facilitate prosecution, Applicant has amended line 5 of claim 6 to recite "resultant output data" which provides antecedent basis for the limitation "said output data" in claim 7. Regarding claim 15, Applicant notes that the limitation "the merged vector" is not present in claim 15. Regarding claim 20, Applicant submits that antecedent basis for the limitation "the merged vectors" can be found in line 2 of claim 19 which recites "a plurality of merged vectors" and that antecedent basis for the limitation "the subsequent merged vector set" can be found in line 2-4 of claim 20 which recites "a sequence of merged vector sets" and further discusses merged vector sets of the sequence and their relationship to each

other. Accordingly, the § 112(2) rejections of claims 1-4, 6-7, 15 and 20 are improper and Applicant requests that they be withdrawn.

As the Examiner's perspective on a possible wording change is unclear to Applicant, Applicant would defer to the Examiner for any proposed change in this regard.

In response to the § 112(2) rejection of claims 8-9, 13 and 15, Applicant has rewritten claim 8 in independent form as an apparatus claim. As such, Applicant submits that the § 112(2) rejection of claims 8-9, 13 and 15 is moot and Applicant requests that it be withdrawn.

Applicant notes that the Office Action raises concerns regarding sufficient disclosure of the claimed apparatus; however, no rejection under § 112(1) is presented in the instant Office Action. According to M.P.E.P. § 2163.04, "(a) description as filed is presumed to be adequate, unless or until sufficient evidence or reasoning to the contrary has been presented by the examiner to rebut the presumption", and according to M.P.E.P. § 2164.04, "(i)n order to make a rejection, the examiner has the initial burden to establish a reasonable basis to question the enablement provided for the claimed invention." In this instance, Applicant submits that support for the claimed apparatus can be found throughout Applicant's disclosure including, for example, in Figures 1A and 1B and discussion in paragraphs 0007, 0016, 0022, 0036-0038 and 0042-0045 of Applicant's specification.

Applicant respectfully traverses the objection to claims 1 and 3 because the phrase "responsive to determining" in line 6 of claim 1 is clear. Applicant submits that the Examiner's proposed language "in response to determining" conveys that same meaning as the current language of claim 1 (*i.e.*, "responsive to determining"). As such, the objection is improper and Applicant requests that it be withdrawn. In an effort to facilitate allowance of the instant application, Applicant would be willing to reconsider amending claim 1 in the manner suggested by the Examiner.

In view of the remarks above, Applicant believes that each of the rejections/objections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063.

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